IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Income Tax Appeal No.412 of 2004

The Commissioner of Income Tax. ... Appellant
v/s.
M/s.Lake View Developers. ... Respondent

Mr.A.S.Rao for appellant.
None for respondent.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 13th December 2005

1. Heard Mr.Rao in support of this Appeal. The following questions are raised for our consideration:-

(A)

" Whether while computing interest under Section 234A a credit for TDS and advance tax is only entitled and not for self assessment tax paid ?

(B)

Whether the return filed by the assessee on 13.10.1995 for the due date of filing return by 31.10.1994 is belated return liable for levy of interest under Section 234A ? "

The aforesaid questions are decided by the Delhi

High Court in Dr.Prannoy Roy & anr. vs. CIT & anr. reported in 254 ITR 755. The assessee had deposited the self assessment tax prior to the due date or filing of the return and, therefore, the levy of interest was not justified. No reason to interfere in the decision of the Tribunal. Appeal is dismissed.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)